

27 September 2015

Joint Standing Committee on Foreign Affairs, Defence and Trade
PO Box 6021
Parliament House
Canberra ACT 2600

Attention: The Committee Secretary

Dear Sir/Madam,

Re: Australia's Efforts to Advocate for Worldwide Abolition of the Death Penalty

I wish to make the following submission regarding Australia's efforts to advocate for worldwide abolition of the death penalty.

I note the terms of reference as publicised:

- *Review how Australia currently engages internationally to promote abolition of the death penalty; and*
- *further steps Australia could take to advocate for worldwide abolition, including by:*
 - *engaging with international institutions and likeminded countries;*
 - *cooperating with non-government organisations;*
 - *bilateral engagements and other diplomatic activities; and*
 - *other appropriate means.*

If Australia is to be recognized internationally as a credible advocate for the abolition of the death penalty, we must first be rigorously consistent in our condemnation of capital punishment in any circumstances. This stands to reason, as the words a person, organisation, or a Government use only carry the authority of their consistency. This is the foundation upon which successful advocacy actions can then be taken.

Therefore, whether the condemned prisoner is a terrorist or drug runner in Indonesia or Iraq, a murderer in Texas, or a white collar criminal in China, Australia's condemnation of capital punishment must be no less vocal. Similarly, whether or not the condemned prisoner is an Australian citizen, or has committed crimes against Australian citizens, this should not change our strong opposition to the use of capital punishment. Furthermore, whether the country concerned is a strategic ally, major trading partner, near regional neighbor, or a nation we have limited dealings with, this should not determine

the level of opposition to use of the death penalty. We must be rigorously consistent so as to take the high moral ground on this matter and therefore be considered credible.

My concern is that although Australia has a bi-partisan position on the use of capital punishment, there appears to be some reticence in consistently proclaiming our opposition to its use on the world stage when crimes against Australian citizens occur (e.g. the Bali bombings of 2002), or for crimes more generally perpetrated by terrorist groups where there is widespread abhorrence of the crime and calls for harsh justice. I note also that opposition to the regular use of the death penalty in China and the USA does not seem to attract the same levels of criticism that other nations may receive.

I understand the potential political consequences in such cases, both within and outside of Australia, for the government (and opposition) of the day, but without the consistent voicing of our convictions by being no less opposed to the use of capital punishment, regardless of circumstances, the advocacy strategies we may pursue will always be seen as somewhat shallow and hypocritical.

Given that Australia's rhetoric is consistent and non-discriminatory as discussed above, a multi-faceted approach to advocate internationally should include:

- Representations together with like-minded nations to the United Nations to continue to encourage all member nations to sign the relevant binding international protocols for moratoriums, then ultimately abolition, of the death penalty. Those not already signatories are now globally in the minority, and should be frequently reminded so.
- Bilateral discussions with regional neighbours, in particular Indonesia, Malaysia, and Singapore, advocating for alternative forms of punishment, and moratoriums on the use of the death penalty, starting with crimes not involving the death of a victim.
- High and working level engagement with non-government agencies, for example Amnesty International, who are well respected and long term advocates for abolition of capital punishment, and also have a global presence.

Thank you for the opportunity of making this submission to your committee.

Bernard Piovesan